DISTRICT OF COLUMBIA + + + + + ALCOHOLIC BEVERAGE CONTROL BOARD + + + + + MEETING

IN THE MATTER OF:

FDK Restaurant of National Palace, Inc. t/a A Slice of Show Cause Italy Pizzeria 1331 Pennsylvania Ave., NW Retailer DR - ANC-2C License No. 7255 Case #15-AUD-00027

Hearing (Status)

(Failed to Maintain Books and Records)

June 10, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson NICK ALBERTI, Member DONALD BROOKS, Member MIKE SILVERSTEIN, Member HECTOR RODRIGUEZ, Member JAMES SHORT, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

P-R-O-C-E-E-D-I-N-G-S 1 2 9:37 a.m. CHAIRPERSON MILLER: The next case is 3 15-AUD-00027, A Slice of Italy Pizzeria. 4 This one is located at 1331 Pennsylvania Avenue, N.W., 5 License No. 7255, in ANC-2C. Good morning. 6 7 MS. GEPHARDT: Chrissy Gephardt here on behalf of the Office of the Attorney General. 8 9 MR. HOWARD: Good morning, Madam 10 Chairperson, William Howard representing the licensee, and Members of the Board. 11 12 CHAIRPERSON MILLER: Okay. Good 13 morning. Let me ask you if your client received notice of this hearing? You can sit down. 14 15 MR. HOWARD: He did receive notice. 16 CHAIRPERSON MILLER: Okay. MR. HOWARD: I would like to make a 17 18 representation to the Board, which I have about a 19 70 percent accuracy. Mr. DiFada is the chief 20 operating officer. His son is on an aircraft

carrier and had an emergency. And he has some

kind of a communications issue with the Pentagon

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1	and that's where he has to be.
2	CHAIRPERSON MILLER: Okay.
3	MR. HOWARD: He is over in off of
4	the coast in the
5	CHAIRPERSON MILLER: Okay.
6	MR. HOWARD: But he knew he knows
7	about the terms and conditions of the Offer in
8	Compromise and knows how to say yes.
9	CHAIRPERSON MILLER: Okay. Let me
10	just ask you my preliminary questions that I've
11	got to get on the record. That you did that
12	he did receive notice. Did he read it and
13	understand it?
14	MR. HOWARD: We did.
15	CHAIRPERSON MILLER: Okay. So there
16	is no notice issue with respect to this hearing.
17	MR. HOWARD: No, ma'am.
18	CHAIRPERSON MILLER: Okay. You can
19	sit down because the mike is actually on the
20	table.
21	Ms. Gephardt, there is a preliminary
22	matter?

1	MS. GEPHARDT: Yes, we do have a
2	preliminary matter. In this case, the parties
3	have reached an Offer in Compromise which
4	consists of a mandatory written warning. This is
5	the establishment's first books and records
6	violation and that is what the parties have
7	agreed to.
8	CHAIRPERSON MILLER: Okay. Mr.
9	Howard, I think that I just heard you say you
LO	agreed to the Offer in Compromise, but now that
11	it has been stated on the record as a mandatory
12	written warning, I would like to ask you again if
13	you agree to that Offer in Compromise?
L 4	MR. HOWARD: That is absolutely
15	correct.
16	CHAIRPERSON MILLER: Okay. And you
17	understand that your client waives a hearing and
18	an appeal?
19	MR. HOWARD: Yes, ma'am.
20	CHAIRPERSON MILLER: Okay. Are there
21	any questions by Board Members? Mr. Alberti?
22	MEMBER ALBERTI: So, Ms. Gephardt,

1	these were books and records for what year?
2	MS. GEPHARDT: This is actually not my
3	case. 2014.
4	MEMBER ALBERTI: All right. Well,
5	since so the Investigator wasn't there in
6	January. So Mr. Howard, you may not know this,
7	but I will ask you to communicate this to your
8	client. We expect books and records for the
9	entire year of 2015 to be kept.
10	MR. HOWARD: Absolutely.
11	MEMBER ALBERTI: We expect books and
12	records to be kept from January forward when the
13	Investigator was there.
14	MR. HOWARD: Yes, sir.
15	MEMBER ALBERTI: That is our
16	expectation. They were put on notice then by the
17	visit of the Investigator.
18	MS. GEPHARDT: He just said it was
19	2013.
20	MEMBER ALBERTI: Yes, I know, but they
21	were not I mean, correct. But the
22	investigation didn't begin in 2015, so that's

1	when they became aware of it.
2	MS. GEPHARDT: Right, right.
3	MEMBER ALBERTI: Yes, thank you. So
4	you know, this Board will take that. If we find
5	in the future that they are not keeping books and
6	records, we will take that into account.
7	MR. HOWARD: Very good.
8	MEMBER ALBERTI: And I would like you
9	to communicate that to your client.
10	MR. HOWARD: Will do, sir.
11	MEMBER ALBERTI: Thank you.
12	CHAIRPERSON MILLER: Okay. Others?
13	All right. Then at this point, I would like to
14	move to approve the Offer in Compromise of a
15	mandatory written warning. Do I have a second?
16	MEMBER SHORT: Second.
17	CHAIRPERSON MILLER: Mr. Short has
18	seconded the motion.
19	All those in favor say aye.
20	ALL: Aye.
21	CHAIRPERSON MILLER: All those
22	opposed? All those abstaining? The motion

1	passes 6-0-0.
2	Okay. Okay. You will receive a copy
3	of the warning. Okay. Thank you very much.
4	MR. HOWARD: Thank you.
5	(Whereupon, the Show Cause (Status)
6	Hearing in the above-entitled matter was
7	concluded at 9:42 a.m.)
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